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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Albert T. Chow

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7590

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EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,827

Applicant(s)

CHOW ET AL.

Examiner

Blanche Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-42 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,13-23 and 29-35 is/are rejected.
- 7) ☒ Claim(s) 10-12,24-28,36,37,43 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 43-44 are objected to because of the following informalities:
inconsistency.

Examiner noted there is an inconsistency between -- a wideband wireless radio -- in cl. 43, ln. 5 and "a wireless radio" according to Amendment that was filed May 25, 2005, p. 13, para. 2, that is, "In response, applicants have amended claims 33 and 43 to replace the term 'wideband radio' with -- wireless radio --. ..." Examiner examined cl. 43 in light of the Amendment's "a wireless radio" instead of -- a wideband wireless radio".

Appropriate correction is required.

2. Claim 12 is objected to because of the following informalities: inconsistency.
The abbreviation "PBX" is used in cl. 10 and 11, and should consistently be used in cl. 12 as well. Examiner suggests replacing -- private branch exchange -- in cl. 12, ln. 1, with "PBX." Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 29-30,32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to cl. 29 and 32, both in ln. 2-4, it is unclear and contradictory how a wireless telecommunication device communicating with the access port functions as a cordless extension of the wired telephone.

Claim Rejections - 35 USC § 103

5. The indicated allowability of claims 5-7,13,16-18,21-23,29-32 is withdrawn in view of the newly discovered reference(s) to Bianchi. Rejections based on the newly cited reference(s) follow.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1,2,4-9,13-22,33-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al. (U.S. Pat No. 6,424,646) in view of Bianchi et al. (U.S. Pat No. 6,587,479).

With regard to claim 1, Gerszberg discloses a MDF (Main Distribution Frame) (col. 3, ln. 4) (Media Terminal Adapter) that is coupled to an ISD (Intelligent Services Director) (col. 3, ln. 1) (access port), communicates with each other using DSL technology (col. 3, ln. 9) (broadband transport network), and interconnects with a high speed backbone network (col. 3, ln. 16-17 and ln. 33-34) (broadband packet network). Second, Gerszberg discloses the ISD interconnecting to various devices such as a videophone, digital phones, set-top devices, computers, and/or other devices (col. 3, ln. 48-50) (RBN devices) Lastly, Gerszberg discloses a network server platform (col. 3, ln.

37-46; see also Fig. 1, connection management, OAM&P) (NSP). However, Gerszberg fails to explicitly show wireless RBN devices.

In an analogous art, Bianchi is wireless-enabled and discloses cable access point (CAP) 14 (col. 4, ln. 21) and specifically with an 802.11 access point 34-1 (wireless LAN access point, col. 4, ln. 61) to wireless RBN devices 30,17 (wireless adapters, computing equipment, col. 4, ln. 55-65). Furthermore, the head end access point (HAP) 16 (col. 4, ln. 39) couples the LAN signals between the available transport medium and internetworking equipment (col. 4, ln. 39-46) that makes Bianchi readily compatible to Gerzsberg, where Gerzsberg discloses the MTA.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have wireless access points to support wireless devices. The suggestion/motivation for doing so would have been to provide a simple and low cost architecture for coupling wireless LAN signals between geographically distributed access points and centrally located internetworking devices. Bianchi, col. 2, ln. 21-25. Therefore, it would have been obvious to combine Bianchi with Gerzsberg for the benefit of having wireless access points to support wireless devices, to obtain the invention as specified in cl. 1.

With regard to claim 2, Gerszberg discloses the architecture of claim 1. However, Gerzsberg fails to explicitly show that an architecture that supports interworking among wireless devices within the local RBN environment.

A person of ordinary skill in the art would have been motivated to employ a cordless or wireless phone in place of the phone 15, Fig. 1, in order to obtain cordless

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or wireless mobility. (See also cordless interface 123 in Fig. 2, col. 4, ln. 45-46). The cordless or wireless phone is a wireless device within the local RBN environment. The suggestion/motivation to do so would have been to provide for a distribution network with wireless capability. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the invention pertains to use cordless or wireless phone to obtain the invention as specified in claim 2.

With regard to claims 4,8,19,20,33 Gerszberg further discloses home/business (col. 4, ln. 19-20) (home/residence, SOHO, business).

With regard to claim 5, it would have been obvious the NSP is made an integral part of SOHO and business environment, given an architecture that supports internetworking between the wireless RBN devices, as provided in cl. 4.

With regard to claim 6, the combination of Gerszberg and Bianchi disclose the architecture of cl. 1.

Bianchi further discloses cable access point (CAP) 14 (col. 4, ln. 21)(an AP) that has an antenna (a miniaturized radio base station) and specifically with an 802.11 access point 34-1 (wireless LAN access point, col. 4, ln. 61) (and interworks with air interfaces including IEEE802.11b).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have other air interfaces of the time of the invention. The suggestion/motivation for doing so would have been to provide a simple and low cost

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architecture for coupling wireless LAN signals between geographically distributed access points and centrally located internetworking devices. Bianchi, col. 2, ln. 21-25. Therefore, it would have been obvious to combine Bianchi with Gerzberg for the benefit of having wireless access points to support wireless devices, to obtain the invention as specified in cl. 6.

With regard to claim 7, the combination of Gerszberg and Bianchi disclose the architecture of cl. 1.

Bianchi further discloses laptop computer or personal digital assistant (PDA) (col. 4, ln. 58) (these equipment are used in home, SOHO, business environment, or public cellular environment).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have other air interfaces of the time of the invention. The suggestion/motivation for doing so would have been to provide a simple and low cost architecture for coupling wireless LAN signals between geographically distributed access points and centrally located internetworking devices. Bianchi, col. 2, ln. 21-25. Therefore, it would have been obvious to combine Bianchi with Gerzberg for the benefit of having wireless access points to support wireless devices, to obtain the invention as specified in cl. 7.

With regard to claim 9, Gerszberg further discloses twisted-pair wire, hybrid fiber interconnection (col. 3, ln. 2) (hybrid fiber coaxial cable).

With regard to claim 13, the combination of Gerszberg and Bianchi discloses the architecture of cl. 1 wherein the NSP administers the wireless RBN devices being served by the at least one access port. Gerszberg further discloses NSP performing OAM&P (see OA&M in Fig. 1, col. 3, ln. 37) (Operation, Administration and Maintenance (OA&M) as recited in cl. 13).

With regard to claim 14, Gerszberg further discloses gateway (col. 3, ln. 46).

With regard to claim 15, Gerszberg further discloses the NSP handling call and data routing functions (participates in call processing) distributing operating system functions (controls access to network resources) (col. 7, ln. 34-35).

With regard to claim 16, it would have been obvious that NSP translates E.164 addresses to destination IP addresses internally because it provides connection management as shown in Fig. 1, or preferably located in a POP facility (col. 3, ln. 44-45).

With regard to claim 17, it would have been obvious that NSP platform physically consists of a plurality of servers to provide for redundancy or process management among connection management, application launcher, OAM&P in Fig. 1.

With regard to claim 18, the combination of Gerzsberg and Bianchi discloses the architecture of cl. 1.

Bianchi further discloses a cable access point (CAP) 14 (col. 4, ln. 21) (an AP) that has an antenna (a miniaturized radio base station) and a head end access point (HAP) 16 (col. 4, ln. 39) that couples the LAN signals between the available transport medium and internetworking equipment (col. 4, ln. 39-46) (interworkings between wireless and packet telephony protocols) and that makes Bianchi readily compatible to Gerzsberg.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to establish analog and digital communications channels, both prevalent at the time of the invention. The suggestion/motivation for doing so would have been to provide a simple and low cost architecture for coupling wireless LAN signals between geographically distributed access points and centrally located internetworking devices. Bianchi, col. 2, ln. 21-25. Therefore, it would have been obvious to combine Bianchi with Gerzsberg for the benefit of having wireless access points to support wireless devices, to obtain the invention as specified in cl. 18.

With regard to claim 21, the combination of Gerzsberg and Bianchi discloses the architecture of cl. 1.

Bianchi further discloses an access port (AP 34-1) connection to MTA (As mentioned earlier, Bianchi further discloses a cable access point and a head end access point that couples the LAN signals between the available transport medium and internetworking equipment and that makes Bianchi readily compatible to Gerzsberg, where Gerzsberg discloses the MTA) that is an Ethernet interface (col. 5, ln. 12-15).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to establish analog and digital communications channels, both prevalent at the time of the invention. The suggestion/motivation for doing so would have been to provide a simple and low cost architecture for coupling wireless LAN signals between geographically distributed access points and centrally located internetworking devices. Bianchi, col. 2, ln. 21-25. Therefore, it would have been obvious to combine Bianchi with Gerzberg for the benefit of having wireless access points to support wireless devices, to obtain the invention as specified in cl. 21.

With regard to claim 22, the combination of Gerzberg and Bianchi discloses the architecture of cl. 18 with wireless access port. Gerszberg further discloses telephone 15 and digital phones 18, and multiplexing voice in Fig. 1. It would have been obvious that to have wireless phones and voice transcoding in the architecture.

With regard to claim 33, the combination of Gerzberg and Bianchi discloses the architecture of cl. 1.

The combination can further disclose wireless RBN devices that includes home-business devices (Bianchi, laptop computer or PDA, col. 4, ln. 58-59), computing-telephony resources (Bianchi, portable type computing equipment, col. 4, ln. 62-63, and desktop computers, col. 4, ln. 63) and appliances (Gerszberg, videophone 130).

With regard to claim 34, Gerszberg further discloses a 900 MHz transceiver (standardized air interface) (col. 4, ln. 46). Furthermore, Bianchi discloses 802.11.

With regard to claim 35, Gerszberg further discloses devices for monitoring home security and meter reading devices (a short message process is adapted to support home control service aspects) (col. 4, ln. 6-7).

8. **Claims 23 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg and Bianchi as applied to claims 1,2,4-10,13-23,31,33-35 above, and further in view of Murray et al. (U.S. Pat No. 6,751,441).

With regard to cl. 23, the combination of Gerszberg and Bianchi discloses the architecture of cl. 1 where there are an access port and MTA. However, the combination fails to explicitly show that there can be a single unit of an access port and MTA.

In an analogous art, Murray discloses a new wireless access port 105 and MTA 103 (col. 3, ln. 5-9) that are all under one roof in Fig. 1.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a single unit under one roof. The suggestion/motivation for doing so would have been to provide for a method for distribution of the broadband services without adding any new dedicated wiring in the premises. Murray, col. 1, ln. 60-62. Therefore, it would have been obvious to combine Murray with the combination of Gerszberg for the benefit of having a single unit of an access port and MTA to obtain that invention as specified in cl. 23.

With regard to cl. 31, the combination of Gerszberg, Bianchi and Murray discloses a single unit.

Murray further discloses intelligent broadband access point unit 105 (receives broadband input, col. 2, ln. 52).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a single unit that is an intelligent broadband access point unit. The suggestion/motivation for doing so would have been to provide for a method for distribution of the broadband services without adding any new dedicated wiring in the premises. Murray, col. 1, ln. 60-62. Therefore, it would have been obvious to combine Murray with the combination of Gerszberg for the benefit of having a single unit of an access port and MTA to obtain that invention as specified in cl. 31.

Allowable Subject Matter

9. Claims 38-42 are allowed.

10. Claims 10-12,24-28,36-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

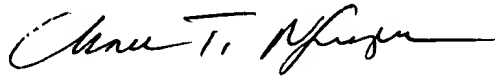
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BW

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June 20, 2005



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